

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

BEVERLY A. BARTON,

Plaintiff,

No. 05-60190

v.

Hon. John Corbett O'Meara

WASHTENAW COUNTY,

Defendant.

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**ORDER OF PARTIAL DISMISSAL**

Plaintiff Beverly Barton filed a four-count complaint in this court August 9, 2005, alleging gender discrimination under Title VII; gender discrimination under Michigan's Elliott-Larsen Civil Rights Act; violations of the Equal Pay Act, 29 U.S.C. § 206(d); and violations of 42 U.S.C. § 1983.

While alleged violations of Title VII, the Equal Pay Act, and 42 U.S.C. § 1983 are cognizable in this court pursuant to 28 U.S.C. §§ 1343, Count II is based solely on state law. Since the parties to this matter are not diverse, this court declines to exercise supplemental jurisdiction over the latter claims so as to avoid jury confusion. See 28 U.S.C. § 1367(c); United Mine Workers v. Gibbs, 383 U.S. 715 (1966); Padilla v. City of Saginaw, 867 F. Supp. 1309 (E.D. Mich. 1994). Therefore, it is hereby **ORDERED** that Count II is **DISMISSED**.

s/John Corbett O'Meara

John Corbett O'Meara

United States District Judge

Dated: October 28, 2005